

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT CORWIN, <i>individually and on behalf of all</i>	:
<i>others similarly situated,</i>	:
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Plaintiff,	:
	:
	:
-v-	:
	:
Y-MABS THERAPEUTICS, INC., et al.,	:
	:
Defendants.	:
	:
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23-CV-431 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On January 18, 2023, Plaintiff filed a class action lawsuit on behalf of purchasers of Y-mAbs Therapeutics, Inc. securities between October 6, 2020, and October 28, 2022. *See* ECF No. 1. The Complaint alleges violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“1934 Act”) and Rule 10b-5, promulgated thereunder.

As explained in the Court’s January 19, 2023 Order, *see* ECF No. 5, Section 78u-4(a)(3)(A) of the Private Securities Litigation Reform Act (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A), requires that within twenty days of the filing of the complaint, Plaintiff shall “cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class . . . of the pendency of the action, the claims asserted therein, and the purported class period.” 15 U.S.C. § 78u-4(a)(3)(A)(i). The PSLRA also provides that “not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.” *Id.* In addition, the Act requires that not later than 90 days after the date on which notice is published, the Court shall consider any motion made by a purported class member in response

to the notice, and shall appoint as lead plaintiff the member or members of the purported plaintiff class that the Court determines to be most capable of adequately representing the interests of class members. *See id.* § 78u-4(a)(3)(B)(i). In the event that more than one action on behalf of a class asserting substantially the same claim or claims has been filed, and any party has sought to consolidate those actions for pretrial purposes or for trial, the Court shall not appoint a lead plaintiff until after a decision on the motion to consolidate is rendered. *See id.* § 78u-4(a)(3)(B)(ii).

Plaintiff's counsel notified the Court that the required notice was published on **January 18, 2023**. *See* ECF No. 6. Members of the purported class therefore have until **March 20, 2023**, to move the Court to serve as lead plaintiffs. It is further ORDERED that opposition to any motion for appointment of lead plaintiff shall be served and filed by **April 3, 2023**. No replies may be filed absent prior leave of Court.

Finally, it is hereby ORDERED that a conference shall be held on **April 18, at 3:00 p.m.** to consider any motions for appointment of lead plaintiff and lead counsel and for consolidation. The conference will be held **remotely by telephone** in accordance with Rule 3(B) of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. Counsel should review and comply with the rules regarding teleconferences in the Court's Individual Rules and Practices in Civil Cases, including Rule 3(B)(i), which requires the parties, **no later than 24 hours before the conference**, to send a joint email to the Court with the names and honorifics (e.g., Mr., Ms., Dr., etc.) of counsel who may speak during the teleconference and the telephone numbers from which counsel expect to join the call. After receiving that email, the Court will provide the parties with the call-in information for counsel with speaking roles. All others — counsel who will not have speaking roles and members of the

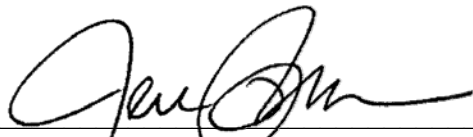
public — may listen to the conference by calling the Court’s dedicated conference call line at (888) 363-4749 and using access code 542-1540 followed by the pound (#) key.

If an amended complaint or a related case is filed prior to appointment of a lead plaintiff, Plaintiff’s counsel shall, **within one week**, submit a letter to the Court identifying any differences between the allegations in the new complaint(s) and the allegations in the original complaint (including but not limited to any differences in the claims asserted and the relevant class periods) and showing cause why the Court should not order republication of notice under the PSLRA and set a new deadline for the filing of motions for appointment. *See, e.g., Hachem v. Gen. Elec. Inc.*, No. 17-CV-8457 (JMF), 2018 WL 1779345 (S.D.N.Y. Apr. 11, 2018).

It is further ORDERED that the named plaintiffs shall promptly serve a copy of this Order on each of the Defendants.

SO ORDERED.

Dated: January 23, 2023
New York, New York



JESSE M. FURMAN
United States District Judge